IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 536 OF 2006
IN
WRIT PETITION NO. 2118 OF 2006

Elder Pharmaceuticals Ltd. & Ors... Petitioners

V/s.

State of Maharashtra & Ors. ... Respondents

Mr. S.U. Kamdar i/b. Anand Kumar & Daulat Jehangir for petitioner.
Mr. Amjad Sayyed, AGP for respondent Nos. 1 to 3 & 5.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 10th November, 2006

P.C.

. Heard parties. The relief sought by this Motion is for return of stocks which were seized. The learned counsel for the respondents points out that at the time of admitting the matter, no such relief was granted.

2. We have heard counsel for the parties. If the product continues to remain in the hands of the respondents until the time the petition is disposed of, it is liable to be damaged or wasted. In our opinion, in the circumstances, the ends of justice would be met by issuing the following directions.

i. It will be open to the respondents to maintain

samples of the seized goods for the purpose of whatever proceedings they propose to take.

ii. Insofar as the balance seized goods are concerned, the goods will be returned to the petitioner on the petitioner filing an undertaking before this Court that the goods will be taken subject to final order passed in the petition.

iii. The goods be returned within two weeks on the undertaking produced before this Court. A copy of the undertaking be given to the respondents.

3. With the above observations, the Motion stands disposed of. No order as to costs.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]